

GRANT OF RESTRICTION
To Limit Bedrooms in an Existing House with Septic

This Grant of Restriction is made as of this _____ day of _____ of 2007 by _____ and _____ of Concord, Middlesex County, Massachusetts ("Grantors").

WITNESSETH

WHEREAS, Grantors are the owners in fee simple of a certain parcel of land, together with the buildings and other improvements located thereon, being now known as and numbered _____, Concord, Massachusetts (the "Premises"); and

WHEREAS, the Premises are more particularly bounded and described in a deed recorded with the Middlesex South Registry of Deeds at Book _____, Page _____, a copy of which attached hereto as Exhibit A; and

WHEREAS, the Grantors have filed an application with the Building Inspector of the Town of Concord for a building permit to _____

_____ ; and

WHEREAS, the issuance of this building permit will violate section 310 CMR 15.352 of the State Environmental Code, Title V, which prohibits increasing the actual or design flow to any cesspool or to any other system above the existing approved capacity, unless the system is upgraded; and

WHEREAS, the Grantors are willing to restrict the use of the Premises to no more than _____ bedrooms so that there will be no increase in actual or design flow requiring the upgrade of the system; and

WHEREAS, Title V, 310 CMR 15.002 defines "Bedroom" as: "[a] room providing privacy, intended primarily for sleeping and consisting of all of the following:

- (a) floor space of no less than 70 square feet;
- (b) for new construction, a ceiling height of no less than 7'3";
- (c) for existing houses and for mobile homes, a ceiling height of no less than 7'0";
- (d) an electrical service and ventilation; and
- (e) at least one window.

and further provides that, "[l]iving rooms, dining rooms, kitchens, halls, bathrooms, unfinished cellars and unheated storage areas over garages are not considered bedrooms. Single family dwellings shall be presumed to have at least three bedrooms. Where the total number of rooms for single family dwellings exceeds eight, not including bathrooms, hallways, unfinished cellars and unheated storage areas, the number of bedrooms presumed shall be calculated by dividing the total number of rooms by two then rounding down to the next lowest whole number. The applicant may design a system using design flows for a smaller number of bedrooms than are presumed in this definition by granting to the approving authority a deed restriction limiting the number of bedrooms to the smaller number".

NOW, THEREFORE, in accordance with the provisions of Title V, 310 CMR 15.000, we _____ and _____ of Concord, Massachusetts, do hereby grant to the Town of Concord, acting through its Board of Health, as a gift, with Quitclaim Covenants, a restrictions on the Premises upon the following terms and conditions:

1. Grantors covenant and agree that they shall restrict the use of the Premises to a _____ bedroom residential dwelling.
2. Any change in the use of the Premises or in the terms of this Grant must be approved by the Town of Concord Board of Health in an instrument signed and acknowledged by members of the Board of Health and recorded with the Middlesex South Registry of Deeds.
3. Grantors expressly acknowledge that a violation of the terms of this instrument could result in enforcement action by the Board of Health by fine in accordance with 310 CMR 11.10 or otherwise at law or in equity in the same manner that local rules and regulations are enforced.
4. This restriction establishes certain rights, liabilities, agreements and obligations which shall run with the land and which shall be binding on the Grantors, their successors, heirs, and assigns.
5. This restriction shall run in perpetuity and is intended to conform with M.G.L. Ch. 184, s. 26.

No Massachusetts Deed Excise Stamps are affixed hereto as the consideration is such that none are required by law.

Executed under seal this _____ day of _____ 2007.

(Signature of 1st Grantor)

(Signature of 2nd Grantor)

(Printed Name of 1st Grantor)

(Printed Name of 2nd Grantor)

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 2007

On this _____ day of _____, 2007, before me the undersigned notary public, personally appeared

proved to me through satisfactory evidence of identification which was/ were _____ to
be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she
signed it voluntarily for its stated purpose(s).

Notary Public

My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. _____, 2007

On this _____ day of _____, 2007, before me the undersigned notary public, personally appeared

proved to me through satisfactory evidence of identification which was/ were _____ to
be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she
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Notary Public

My commission expires:

